

Venkat Guntipally, Movant
BOP Prison Reg. No. 20028-111
37817 Laurus Court
Fremont, CA 94536
Email: vgtmobile14@gmail.com

FILED
APR 01 2019
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

v.

Cv. Case No: 5:19-cv-00098-LHK

VENKAT GUNTIPALLY,

Movant.

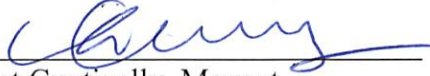
PETITIONER'S APPLICATION FOR EXTENTION OF TIME TO FILE REPLY
TO THE GOVERNMENT'S RESPONSE TO HIS PETITION UNDER 28 U.S.C.
§ 2255; DECLARATION OF VENKAT GUNTIPALLY

COMES NOW, Petitioner Guntipally, pro se, and submits his notice for an extension of
time to reply to the government's response filed on March 08, 2018.

The application is based upon the attached Declaration of Venkat Guntipally.

DATE: 4 / 1 / 2019

Respectfully submitted,


Venkat Guntipally, Movant
BOP Prison Reg. No. 20028-111
37817 Laurus Court
Fremont, CA 94536

DECLARATION OF VENKAT GUNTIPALLY

I, Venkat Guntipally, declare as follows:

1. I am the petitioner/defendant in this matter, and I am representing myself pro se.
2. Proceeding pro se, I filed on January 7, 2019 a Motion to Vacate, Set Aside, or Correct the Sentence pursuant to 28 U.S.C. § 2255. ECF No. 1 ("Mot."). I asserted that "[d]efense counsel's misrepresentation of material facts and exerting pressure on the Petitioner to induce a guilty plea constitutes ineffective assistance of counsel thus rendering his guilty plea involuntary." Mot. at 4.
3. On January 11, 2019, I filed a document titled "Petitioner's Motion to Take Leave from the Court to File a Supplemental Issue Based on the Government's Failure to Disclose Exculpatory and Impeachment Evidence Prior to Sentencing." ECF Nos. 303.
4. On January 16, 2019, the Court filed its Order directing the Respondent to answer my § 2255. The Court's Order shows that (I) "The Court cannot say that the motion, files, and records of the case "conclusively show" that Petitioner is not entitled to relief. 28 U.S.C. § 2255(b);"" (II) "Respondent shall file with the Court and serve on Petitioner within sixty (60) days of the filing of Petitioner's supporting memorandum of points and authorities an Answer showing cause why the Court should not "vacate, set aside, or correct the sentence" of Petitioner: and (III) "If Petitioner wishes to respond to the Answer, Petitioner shall do so by filing a Traverse with the Court and serving it on Respondent within thirty (30) days of his receipt of the Answer." ECF No. 2.
5. On March 08, 2019, the Respondent filed its 27-Page Response to my § 2255 Motion.
6. On March 29, 2019, pursuant to 28 U.S.C. § 144 and 28 U.S.C. § 455, I filed my Emergency Motion to disqualify District Judge Lucy Koh, from all future proceedings in this manner.

7. On April 1, 2019, I filed my motion to take leave from the court to conduct discovery in support of my Brady Claims presented in my now-pending § 2255 proceedings.

8. On April 1, 2019, I filed my ex parte application for a court order declaring that: (I) Venkat Guntipally (“petitioner”) concedes that he has waived his attorney-client privilege with respect to all communications between his attorney, Peter Leeming, concerning the events and facts involved in petitioner’s case in United States v. Venkat Guntipally (Case No. 16-CR-189-LHK-2); and (2) compelling attorney Peter Leeming to disclose to him and the Court all communications with petitioner concerning the events and facts involved in his case, which relate to the issues presented in petitioner’s Motion to Vacate, Set Aside, or Correct Sentence.

9. By this application being made for good cause, and in good faith, I now request an additional 60 days to Reply to the Respondent’s Response to my now-pending § 2255 Motion.

10. Good cause exists for an extension because I need adequate time in order to Reply to the Respondent’s Response. I have carefully read the Respondent’s Response and I find that it contains factual inaccuracies, erroneous assumptions, and mistaken conclusions at best. Because I must wait for the Court to rule on my pending Motions; (I) Motion to take leave from the court to conduct discovery to perfect my Brady Claim; and (II) My Application for Ex Parte Communications with my defense attorney, Peter Leeming, to effectively prepare my Reply to the Respondent’s Response, I request an extension of time to file a Reply Brief.

11. This application is not made for purposes of delay or tactical advantage, but instead to allow me adequate time to receive the Brady information requested, obtain answers via ex parte communications with my prior attorney, Peter Leeming, - as requested, and then prepare my Reply to the Respondent’s Response.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATE: 4 / 1 / 2019

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Venkat Guntipally", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, 4 / 1 /2019, a true and correct copy of the foregoing was furnished by United States Mail to:

U.S. Attorney's Office
Heritage Bank Building
150 Almaden Blvd. Suite 900
San Jose, CA 95113

DATE: 4 / 1 /2019

Respectfully submitted,



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